

## HOBBS ACT

**Taylor v. U.S., 579 U.S. --- (2016)**  
**Decided June 20, 2016**

**FACTS:** As early as 2009, a gang called Southwest Goonz “committed a series of home invasion robberies targeting drug dealers in the area of Roanoke, Virginia.” “For obvious reasons, drug dealers are more likely than ordinary citizens to keep large quantities of cash and illegal drugs in their homes and are less likely to report robberies to the police.” Taylor was arrested for two counts of robbery under the Hobbs Act, and one firearms charge. In the first one, the robbers were looking for drugs and money, but left with only a small amount of loot, including a single marijuana cigarette. The second, attempted, robbery occurred, but in this case, they only made off with a cell phone. In both cases, the victims were drug dealers presumed to have money and cash on hands.

After his first trial, the jury hung. At the second trial, Taylor was prevented “from introducing evidence that the drug dealers he targeted might be dealing in only locally grown marijuana.” The Court denied several motions and Taylor was convicted. His appeal was affirmed by the Fourth Circuit Court of Appeals. Taylor then requested certiorari from the U.S. Supreme Court, and review was granted.

**ISSUE;** Is the Government relieved of proving beyond a reasonable doubt the interstate commerce element by relying exclusively on evidence that the robbery or attempted robbery of a drug dealer is an inherent economic enterprise that satisfies, as a matter of law, the interstate commerce element of the offense?

**HOLDING:** Yes

**DISCUSSION:** Taylor was charged and convicted under the Hobbs Act, which makes it a federal crime “for a person to affect commerce, or to attempt to do so, by robbery.”<sup>1</sup> Commerce is very broadly defined as “interstate commerce” over which the U.S. has jurisdiction. In this case, the Court was required “to decide what the Government must prove to satisfy the Hobbs Act’s commerce element when a defendant commits a robbery that targets a marijuana dealer’s drugs or drug proceeds.” The Court looked to Gonzales v. Raich<sup>2</sup> which found that the “Commerce Clause gives Congress authority to regulate the national market for marijuana, including the authority to proscribe the purely intrastate production, possession, and sale of this controlled substance.” As such, the Court agreed, “Congress may also regulate intrastate drug *theft*.” Further, “since the Hobbs Act criminalizes robberies and attempted robberies that affect any commerce ‘over which the United States has jurisdiction,’ §1951(b)(3), the prosecution in a Hobbs Act robbery case satisfies the Act’s commerce element if it shows that the defendant robbed or attempted to rob a drug dealer of drugs or drug proceeds.”

The court noted that the Hobbs Act is unmistakably very broad and its sweep has been noted in prior cases. The Court agreed that selling marijuana is “unquestionably an economic activity” even though it is “to be sure, a form of business that is illegal under federal law and the laws of most States. But there can be no question that marijuana trafficking is a moneymaking endeavor—and a potentially lucrative one at that.”

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<sup>1</sup> 18 U. S. C. §1951(a).

<sup>2</sup> 545 U. S. 1 (2005),

The Court agreed that “if the Government proves beyond a reasonable doubt that a robber targeted a marijuana dealer’s drugs or illegal proceeds, the Government has proved beyond a reasonable doubt that commerce over which the United States has jurisdiction was affected.”

The Court emphasized:

In order to obtain a conviction under the Hobbs Act for the robbery or attempted robbery of a drug dealer, the Government need not show that the drugs that a defendant stole or attempted to steal either traveled or were destined for transport across state lines. Rather, to satisfy the Act’s commerce element, it is enough that a defendant knowingly stole or attempted to steal drugs or drug proceeds, for, as a matter of law, the market for illegal drugs is “commerce over which the United States has jurisdiction.” And it makes no difference under our cases that any actual or threatened effect on commerce in a particular case is minimal.<sup>3</sup>

The Court limited its holding “to cases in which the defendant targets drug dealers for the purpose of stealing drugs or drug proceeds.” The Court then affirmed the holding of the Fourth Circuit and upheld Taylor’s convictions.

**FULL TEXT OF OPINION:**     [http://www.supremecourt.gov/opinions/15pdf/14-6166\\_o7jp.pdf](http://www.supremecourt.gov/opinions/15pdf/14-6166_o7jp.pdf)

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<sup>3</sup> See Perez v. U.S., 402 U. S. 146 (1971).